

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

SAMMIE D. KINNARD )  
v. )  
                        ) NO. 3:06-0338  
                        ) JUDGE CAMPBELL  
METRO POLICE DEPARTMENT, et al. )

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 127) and Objections filed by the Defendants (Docket No. 134).

The Court has reviewed the Report and Recommendation, the Objections, and the file. The Court has considered, as Defendants request, the evidence presented concerning probable cause and finds that there are issues of fact as to this issue which must be determined at trial. The Objections of the Defendants are overruled, and the Report and Recommendation is adopted and approved.

Accordingly, this action shall proceed to trial on two issues: (1) Plaintiff's claim of excessive force against Defendant Reece in his individual capacity; and (2) Plaintiff's claim for wrongful arrest against Defendants Reece and BeCraft in their individual capacities.

The bench trial of this action remains set for March 18, 2008.

IT IS SO ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE